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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Scott Jones,

10 Plaintiff,

11 v.

12 Gateway Chevrolet Incorporated, et al.,

13 Defendants.  
14

No. CV-23-02323-PHX-DMF

**ORDER**

15 This matter was assigned to Magistrate Judge Deborah M. Fine. (Doc. 3). On  
16 January 22, 2024, the Magistrate Judge filed a Report and Recommendation with this  
17 Court.<sup>1</sup> (Doc. 10). The Magistrate Judge has recommended that this matter be dismissed  
18 without prejudice due to Plaintiff's failure to pay the filing fee or file an amended  
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20 <sup>1</sup> This case is assigned to a Magistrate Judge. However, not all parties have  
21 consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court  
pursuant to General Order 21-25, which states in relevant part:

22 When a United States Magistrate Judge to whom a civil action has been  
23 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be  
24 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)  
due to incomplete status of election by the parties to consent or not consent  
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and  
Recommendation for the Chief United States District Judge or designee.

26 **IT IS FURTHER ORDERED** designating the following District Court  
27 Judges to review and, if deemed suitable, to sign the order of dismissal on  
my behalf:

28 Phoenix/Prescott: Senior United States District Judge Stephen M.  
McNamee

1 Application to Proceed Without Prepaying Fees or Costs. To date, no objections have  
2 been filed.

### 3 STANDARD OF REVIEW

4 The Court “may accept, reject, or modify, in whole or in part, the findings or  
5 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.  
6 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the  
7 service of a copy of the Magistrate’s recommendation within which to file specific  
8 written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to  
9 object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo*  
10 review of the Magistrate Judge’s factual findings and waives all objections to those  
11 findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to  
12 object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the  
13 propriety of finding waiver of an issue on appeal.” Id.

### 14 DISCUSSION

15 Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
16 Objections having been made by any party thereto, the Court hereby incorporates and  
17 adopts the Magistrate Judge’s Report and Recommendation.

### 18 CONCLUSION

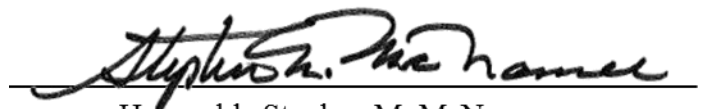
19 Accordingly, for the reasons set forth,

20 **IT IS ORDERED adopting** the Report and Recommendation of the Magistrate  
21 Judge. (Doc. 10).

22 **IT IS FURTHER ORDERED dismissing without prejudice** this matter for  
23 Plaintiff’s failure to comply with the Court’s orders that Plaintiff pay the filing fee or file  
24 an amended Application to Proceed Without Prepaying Fees or Costs.

25 **IT IS FURTHER ORDERED directing** the Clerk of Court to terminate this case.

26 Dated this 5th day of February, 2024.

27 

28 Honorable Stephen M. McNamee  
Senior United States District Judge